



General Assembly

January Session, 2009

***Raised Bill No. 6462***

LCO No. 3144

\*03144\_\_\_\_\_LAB\*

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

***AN ACT CONCERNING CERTIFIED PAYROLLS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (f) of section 31-53 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2009*):

4 (f) Each employer subject to the provisions of this section or section  
5 31-54 shall (1) keep, maintain and preserve such records relating to the  
6 wages and hours worked by each person performing the work of any  
7 mechanic, laborer and worker and a schedule of the occupation or  
8 work classification at which each person performing the work of any  
9 mechanic, laborer or worker on the project is employed during each  
10 work day and week in such manner and form as the Labor  
11 Commissioner establishes to assure the proper payments due to such  
12 persons or employee welfare funds under this section or section 31-54,  
13 regardless of any contractual relationship alleged to exist between the  
14 contractor and such person, and (2) submit monthly to the contracting  
15 agency by mail a certified payroll that shall consist of a complete copy  
16 of such records accompanied by a statement signed by the employer

17 that indicates (A) such records are correct; (B) the rate of wages paid to  
18 each person performing the work of any mechanic, laborer or worker  
19 and the amount of payment or contributions paid or payable on behalf  
20 of each such person to any employee welfare fund, as defined in  
21 subsection (h) of this section, are not less than the prevailing rate of  
22 wages and the amount of payment or contributions paid or payable on  
23 behalf of each such person to any employee welfare fund, as  
24 determined by the Labor Commissioner pursuant to subsection (d) of  
25 this section, and not less than those required by the contract to be paid;  
26 (C) the employer has complied with the provisions of this section and  
27 section 31-54; (D) each such person is covered by a workers'  
28 compensation insurance policy for the duration of such person's  
29 employment, which shall be demonstrated by submitting to the  
30 contracting agency the name of the workers' compensation insurance  
31 carrier covering each such person, the effective and expiration dates of  
32 each policy and each policy number; (E) the employer does not receive  
33 kickbacks, as defined in 41 USC 52, from any employee or employee  
34 welfare fund; and (F) pursuant to the provisions of section 53a-157a,  
35 the employer is aware that filing a certified payroll which the  
36 employer knows to be false is a class D felony for which the employer  
37 may be fined up to five thousand dollars, imprisoned for up to five  
38 years, or both. This subsection shall not be construed to prohibit a  
39 general contractor from relying on the certification of a lower tier  
40 subcontractor, provided the general contractor shall not be exempted  
41 from the provisions of section 53a-157a if the general contractor  
42 knowingly relies upon a subcontractor's false certification.  
43 Notwithstanding the provisions of section 1-210, the certified payroll  
44 shall be considered a public record and every person shall have the  
45 right to inspect and copy such records in accordance with the  
46 provisions of section 1-212. The provisions of subsections (a) and (b) of  
47 section 31-59 and sections 31-66 and 31-69 that are not inconsistent  
48 with the provisions of this section or section 31-54 apply to this section.  
49 Failing to file a certified payroll pursuant to subdivision (2) of this  
50 subsection is a class D felony for which the employer may be fined up

51 to five thousand dollars, imprisoned for up to five years, or both.  
52 Filing a false certified payroll by mail pursuant to subdivision (2) of  
53 this subsection may constitute a federal crime under Title 18 of the  
54 United States Code.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2009	31-53(f)
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***Statement of Purpose:***

To require that contractors and subcontractors performing work on state public works projects submit payrolls through the U.S. mail to the contracting agency.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*